

REMARKS

Claims 1 - 4, 6, and 8 - 22 are pending, with claims 6, 8, and 11 having been amended to be in independent form so as to include all the features of base claim 1 and any intervening claim(s). Claims 5 and 7 have been canceled, and new claims 19 - 22 have been added.

The Examiner is thanked for having indicated in the first Office Action that claims 3, 4, 6, 8 - 15, 17 and 18 would be allowable if placed in proper form so as to not depend from a rejected claim. As mentioned above, this suggestion has been taken as to claims 6, 8, and 11. (Note - although the Examiner omitted claim 8 in the listing of claims in paragraph 12 of the Office Action, claim 8 is listed as being objected to in item 7 of the Office Action Summary. As claim 8 was not rejected in the Office Action, it thus is clear that claim 8 was intended to be included in the listing of claims on page 8, paragraph 12, of the Office Action.)

The Abstract and the Disclosure stand objected to as noted by the Examiner in paragraphs 4 and 5 of the Office Action. Reconsideration of these objections is respectfully requested in view of the Amendments to the specification above, wherein the suggestions of the Examiner have been followed. The Examiner is thanked for having carefully reviewed the specification and for noticing the error in the Japanese document number (which has been corrected above).

Claims 2 and 16 stand rejected under 35 U.S.C. 102(e) as being anticipated by Ishikawa et al. (U.S. Patent Application Publication No. 2003/0201378 A1). Reconsideration of this rejection is respectfully requested in view of the attached verified English translation of applicant's priority document (JP-2002-275,280, which was filed in Japan on September 20, 2002). It is noted that applicant's foreign priority date *antedates* the publication date (Oct. 30, 2003) of the Ishikawa et al. patent application. Therefore, Ishikawa et al. can no longer be considered 'prior art' to the present patent application since, having now filed a verified English translation of JP-2002-275,280, applicant should now properly be accorded full benefit of priority of this application under 35 U.S.C. 119.

Claim 1 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Hagner et al. (U.S. Patent No. 4,353,618) in view of Lücke et al. (U.S. Patent No. 5,748,367). Reconsideration

of this rejection is respectfully requested in view of the above amendment to claim 1. Amended claim 1 distinguishes over the teachings of Hagner et al. by the recitation at lines 8 - 10, namely, “... said illumination optical system irradiating a light flux from the light source section onto an observation object without passing illumination light through the objective lens”. In Hagner et al., as shown in Fig. 2 thereof, the illumination light and the observation light pass through a common lens 17. Amended claim 1 distinguishes over U.S. Patent No. 5,748,367 to Lücke et al. by the recitation of “... a center position of said light source section is de-centered from the optical axis of the projection optical system”, as recited in the last two lines of claim 1. In Lücke et al., the optical fiber bundle 1 is aligned on the optical axis of the lens L3 of the illumination optical system (Fig. 2). Moreover, claim 1 is now believed to patentably distinguish over the *combined* teachings of Hagner et al. and Lücke et al. by the above-quoted recitations.

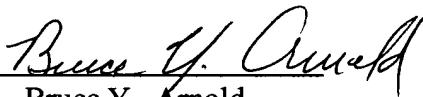
Claims 3, 4, 6, 8 - 15, 17 and 18 stand objected to as being dependent upon a rejected base claim. By the above Amendment, claims 6, 8, and 11 have been amended so that each is now written in independent form including the limitations of the base claim and any intervening claims. As claims 12 and 14 each depend from claim 11, and claims 13 and 15 indirectly depend from claim 11, claims 6, 8, and 11 - 15 should no longer depend from a rejected claim. As to the objection to claims 3, 4, 9, 10, 17 and 18, it is noted that claim 2 should now be allowable over the art of record, since Ishikawa et al. has a date of publication that is subsequent to the filing in Japan, on September 20, 2002, of JP 2002-275,280, and since applicant should now be accorded full benefit under 35 U.S.C. 119 of his claim for priority. Therefore, it is believed that claims 3, 4, 9, 10, 17 and 18 will no longer depend from a properly rejected claim, once applicant is afforded the full benefit of his claim to foreign priority under 35 U.S.C. 119.

New claims 19 - 22 have been added. Examination of new claims 19 - 22 is respectfully requested.

Having amended claims 6, 8, and 11 so as to be in independent form, having amended claim 1 so as to distinguish over the combined teachings of Hagner et al. and Lücke et al., having antedated the Ishikawa et al. published patent application that was applied to reject claims 2 and 16 by providing a verified English translation of applicant's priority document, having

amended the Abstract and the disclosure so as to overcome the objections thereto, and having added new claims 19 - 22, it is respectfully requested that the objections and rejections of record be reconsidered and withdrawn. Moreover, it is requested that new claims 19 - 22 be examined and, unless more pertinent prior art is found, that an early Notice of Allowability be provided. A check is attached hereto in the amount of \$600.00 to cover the fee for there now being 3 independent claims in excess of the 3 independent claims covered by the filing fee. Please charge any additional fee(s) that may be required, or credit any overpayment, to the undersigned's Deposit Account No. 01-2509.

Respectfully submitted,
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Attachment: Verified English Translation of JP 2002-275280
Check in the amount of \$600.00